

Remarks/Arguments

The Office Action mailed September 30, 2004 has been reviewed and carefully considered.

The Specification has been amended to remove the inadvertently added paragraph on page 5 through to page 6, and to correct the second paragraph on page 44, which now clearly recites the POTS digitizer 2105 and the POTS splitter 2102. No new matter has been added.

Claims 1-20 have been canceled without prejudice and new claims 21 – 30 have been added. Claims 21 – 30 are pending.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-10 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully disagrees with the Examiners rejection and requests reconsideration and withdrawal of the same. The Examiner states “it is unclear as to the difference between the signal digitizer and the POTS splitter” which was clearly due to applicant’s attorney’s typographical error in the substitute specification and amendment to the specification. It is very clear from the specification (page 44, lines 5-25) and the drawings (Figure 21), the POTS digitizer 2105 is coupled between the POTS splitter 2102 and the ATM Switch 2106. Withdrawal of this rejection is respectfully requested.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan et al., (USP 6,141,339) in view of Bog et al. (USP 6,229,803).

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan et al., (USP 6,141,339) in view of Tate et al. (USP 6,400,803).

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan et al., (USP 6,141,339) in view of Gerszberg et al. (USP 6,359,881).

Claims 1-20 have been canceled without prejudice from the application, and as such these rejections are moot in view of the newly added claims.

Applicant submits new claims 21-30 drawn toward applicant’s invention. U.S. Patent No. 6,141,339 to Kaplan et al. discloses a telecommunication system that is adapted to convert voice traffic to ATM for transmission over the DSL connection. As noted by the

Examiner, Kaplan et al. does not disclose: a fault tolerance, or power failure mode for handling the POTS when the customer site loses power; and a second mode of operation.

U.S. Patent No. 6,229,803 to Bog et al. has been cited for a fail to POTS in the event of a channel malfunction. Original claims 1-20 were rejected in view of the combination of Bog with Kaplan for combining the fail to POTS mode of operation (Bog et al) to the system of Kaplan et al. The thread manager of Bog et al. operates to provide some level of fault tolerance for software and certain hardware failures. The thread manager continuously receives heartbeat signals from various different objects in the system. When a heartbeat signal is not received, the thread manager responds by attempting to restart the affected thread. If unable to restart, the thread manager instructs the telephony card to use conventional fail over analog service to the malfunctioning thread. Neither Kaplan et al., nor Bog et al. taken singly or in combination disclose or suggest applicant's claimed invention of providing POTS service through the DSL network, and the handling of the analog signal within the DSL network, in the event of a failure at the customer location.

U.S. Patent No. 6,400,803 to Tate et al. has been cited for showing a "lifeline router" to bypass the DSL modem in the event of a power failure. Applicant respectfully submits that the combination of Kaplan et al with Tate et al. fails to teach, disclose or suggest applicant's claimed invention. The lifeline router 320 of Tate et al. is disposed within the CPE, and as such, simply bypasses the DSL modem and connects the analog POTS telephone signal to one local port. The CPE of Tate et al. also includes a designated lifeline POTS phone port, which clearly teaches away from applicant's claimed invention. Thus, combining the teachings of Tate et al. with the system of Kaplan would result in the inputting of an analog signal into the DSL network, with no equipment or provision for handling the same.

U.S. Patent no. 6,359,881 to Gerszberg et al. has been cited by the Examiner for showing a lifeline "...utilized to connect interface device to the local telephone company's central office." The lifeline 126 of Gerszberg et al maintains a constant connection between the TVRC modem 114 and the residential interface 115 (Figure 2). This "lifeline" is provided within the intelligent services director (ISD) 22 located at the customer location. The combination of this feature of Gerszberg et al. with Kaplan et al. would result in the bypassing of the analog telephone signal at the customer location and the same would be delivered to the DSL network of Kaplan et al. Yet, Kaplan et al. does not disclose or

suggest the capability of receiving an analog POTS signal into the DSL network. Thus, the combined teachings of Kaplan et al. with Gerszberg et al. fails to disclose or suggest applicant's claimed invention of a digitizer within the DSL network adapted to process the POTS analog signal in the event of a failure at the customer location.

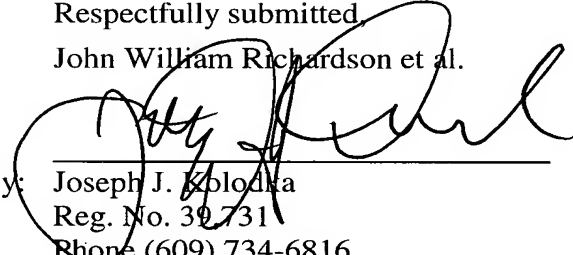
Applicant's claimed invention provides a signal digitizer within the service provider's DSL network that is specifically adapted to received and process the analog POTS telephone signal when received from the customer due to a customer site power failure.

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Office Action of September 30, 2004 be withdrawn, that pending claims 21-30 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

John William Richardson et al.


By: Joseph J. Koblodka
Reg. No. 39,731
Phone (609) 734-6816

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312

Date: 17 Dec 04